

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zachary Herman	Team: Squad #12	CCRB Case #: 201904098	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/03/2019 4:45 PM	Location of Incident: 105th Precinct stationhouse	Precinct: 105	18 Mo. SOL 11/3/2020	EO SOL 6/20/2021	
Date/Time CV Reported Sun, 05/05/2019 3:26 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/13/2019 11:14 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Neil Duggan	09671	963496	105 PCT
2. POM John Mccoy	17078	937056	105 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jowayne Meadows	08358	964649	105 PCT
2. DT3 George Hsu	02668	925478	105 DET
3. POM William Corwin	05424	963469	100 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Mccoy	Discourtesy: Police Officer John Mccoy spoke discourteously to § 87(2)(b)	
B.POM Neil Duggan	Discourtesy: Police Officer Neil Duggan spoke discourteously to § 87(2)(b)	

Case Summary

On May 5, 2019, § 87(2)(b) called NYPD IAB, generating original log #19-17568. On May 13, 2019, the CCRB received this complaint from IAB.

On May 3, 2019, § 87(2)(b) traveled to the 105th Precinct stationhouse. While at the stationhouse, he was arrested by PO Duggan. When § 87(2)(b) was in the cell area, he alleged that PO McCoy entered the cells and told him, “This is a self-inflicted arrest. Fuck you” (**Allegation A: Discourtesy**, § 87(2)(g) § 87(2)(b) stated that at some point after PO McCoy allegedly swore at him, PO Duggan entered the cell area and used the word “Fuck” while speaking with § 87(2)(b) (**Allegation B: Discourtesy**, § 87(2)(g) § 87(2)(b) was charged with § 87(2)(b).

Video evidence was recovered from the 105th Precinct stationhouse and from PO Duggan’s body-worn camera (BWC) (BR07, BR08).

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer John McCoy spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that while he was in a holding cell, a white male, bald, wearing a white shirt, entered the cell area and stated, “The officer gave you a chance to get out of the building. This is a self-inflicted arrest. Fuck you.” § 87(2)(b) stated PO Corwin was within earshot when this statement was made (BR01).

PO Duggan’s body-worn camera footage is six minutes and fifty-four seconds long. It portrays § 87(2)(b) standing in front of the desk in the stationhouse, while his arrest is being processed. At 04:12 in this video, a voice can be heard stating, “You got yourself arrested. You got yourself arrested. You were asked to leave.” The video ends with § 87(2)(b) being escorted away by an unidentified officer. No officer uses any profanity in the course of this video. (BR07).

PO McCoy did not independently recollect interacting with § 87(2)(b) on May 5, 2019. He was shown video of himself interacting with § 87(2)(b) which did not refresh his recollection. He did not recall using profanity towards § 87(2)(b) on the date of the incident, and stated that he did not speak to people that way. PO McCoy was shown PO Duggan’s body-worn camera footage, and he identified as appearing at 01:20 minutes into the video, standing behind § 87(2)(b) and PO Duggan. PO McCoy did not independently recollect any additional information as a result of being shown the video (BR03).

PO Corwin was assigned to monitor the cells on May 3, 2019 at the 105th Precinct. He was seated at a desk that faced into the cell area, with an open, barred window between the cell area and himself. He could hear what people would say in the cell area. PO Corwin did not recall if PO McCoy interacted with § 87(2)(b) in the cell area. He did not recall if PO McCoy used any profanity towards § 87(2)(b) (BR04).

PO Duggan did not recall if any other officer interacted with § 87(2)(b) PO Duggan did not hear any officer use the word “fuck,” or any profanity, towards § 87(2)(b) (BR02).

No video evidence was obtained of the cell area. Stationhouse video of a waiting area and the lobby was obtained, this footage did not contain audio and did not capture the cell area, the location of the allegations in this case (BR08.)

§ 87(2)(b) stated an older white male officer entered the cell area and said, “Fuck you.” All three officers testified they did not recall or did not observe any officer use any profanity towards § 87(2)(b)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (B) Discourtesy: Police Officer Neil Duggan spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that while he was in a holding cell, after speaking with an unidentified male in plainclothes, PO Duggan entered the cell area and spoke to him, and at some point used the word “Fuck” towards him. § 87(2)(b) could not definitively state when this occurred, or the context of the usage of the word (BR01).

PO Duggan stated that he arrested § 87(2)(b) and conducted his arrest processing in front of the desk in the 105th Precinct stationhouse. PO Duggan did not recall if he or another officer escorted § 87(2)(b) from the desk area to the cell area. PO Duggan provided § 87(2)(b) with water later during the evening of the incident, but did not recall specifically when this occurred. PO Duggan did not recall any other interactions with § 87(2)(b). PO Duggan denied using any profanity towards § 87(2)(b) at any point during their interaction (BR02).

PO Corwin observed PO Duggan enter the cell area to obtain pedigree information from § 87(2)(b) for arrest processing purposes. PO Corwin did not recall if PO Duggan used the word, “Fuck,” towards § 87(2)(b) at any point, and did not recall if PO Duggan used any profanity towards § 87(2)(b) at any point (BR04).

No video evidence was obtained of the cell area. Stationhouse video of a waiting area and the lobby was obtained, this footage did not contain audio and did not capture the cell area, the location of the allegations in this case (BR08.)

§ 87(2)(b) stated that PO Duggan used the word, “Fuck,” directed towards him at some point during the interaction, but did not recall when PO Duggan allegedly stated it, and did not recall any contextual information regarding the usage of the word. PO Duggan denied using the word “Fuck” towards § 87(2)(b) or any profanity directed towards § 87(2)(b) § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint § 87(2)(b) filed at the CCRB (BR06).

- PO McCoy has been a member of service for fourteen years. This is the first complaint filed against PO McCoy. § 87(2)(g)
- PO Duggan has been a member of service for two years. This is the first complaint filed against PO Duggan. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation in the course of providing his sworn statement.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming personal and physical injuries; false arrest and imprisonment; malicious prosecution; abuse of process; negligence; unconstitutional conditions of confinement; and seeking \$1,000,000.00 in redress. There is no 50H hearing scheduled (BR10).

Squad No.: 12

Investigator: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Squad Leader: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: _____

Signature	Print Title & Name	Date
-----------	--------------------	------